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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,176

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Richard E. Rowe

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04/01/2011

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EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3682

NOTIFICATION DATE

DELIVERY MODE

04/01/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/066,176	<b>Applicant(s)</b> ROWE ET AL.	
	<b>Examiner</b> Arthur Duran	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 30-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 30-42 have been examined.

#### ***Response to Amendment***

The Amendment filed on is 3/10/11 is sufficient to overcome the prior rejection. However, a new rejection has been made.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dandurand ("Market Niche Analysis In the Casino Gaming Industry", Journal of Gambling Studies, Vol. 6(1), Spring 1990) in view of Acres (20060183529).

Claims 30, 37. Dandurand discloses a method comprising:  
receiving a plurality of attributes regarding a plurality of individuals via a player tracking system (Fig. 1, pages 78-84);

determining a first subset of individuals from the plurality of individuals having a first subset of the plurality of attributes (page 81-82, Table 1, Dandurand gives an example where by customers are first grouped based on their "Slot Gaming Budget" or other attributes ); and

providing, by the player tracking system, a promotional offering as an award to a second subset of individuals within the first subset in response to the receiving the query related to the first subset, wherein the individuals of the second subset have a second subset of attributes, wherein one or more of the attributes of the second subset are different than one or more of the attributes of the first subset (page 83-84, Table 2, Then, players with a budget greater than \$500 are further sub-divided based on other attributes; page 84, After a target player is identified, offers and benefits are conferred to those who fall within that segmentation).

Dandurand does not explicitly disclose “including a player tracking server and a card reader” or a card reader that can be used for tracking player activities and attributes. However, Dandurand teaches of Management Information Systems (MIS) functions of the enterprise. (Page 84). MIS is a computer system designed to help managers plan and direct business and organizational operations. (Dictionary.com). Hence, it is obvious that Dandurand can use a player tracking server. Alternatively, an automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (MPEP 2144.04.III). Alternatively, applicant teaches that it is already common for data to be collected and searched in “database queries”. (Background of the Invention of the Specification, Page 1-2, “The management and analysis of data has long been important to many industries. . .However, relational databases and the current tools used to mine them are unable to take advantage fully of the richness of the data in the typical player tracking system. In many cases, the

amount of data to be mined is extremely large resulting in database queries that take an inordinate amount of time when searching for specific attributes.”). Hence, it is obvious that Dandurand can use a player tracking server. Alternatively, Applying a known to technique to a known device (method, or product ) ready for improvement to yield predictable results is obvious (MPEP 2143). Alternatively, Acres discloses the invention operating in a casino ([5, 7, 12]) and Acres further discloses a player tracking server (Fig. 1; [105]). Hence, it is obvious that Dandurand can utilize a player tracking server. One would be motivated to do this to better track player activities and/or better target. Also, Acres discloses the invention operating in a casino ([5, 7, 12]) and using a card and card reader that can be used for tracking player activities and attributes and also a network and server that the card and card reader information is sent to for the profiling and tracking purposes (Abstract; “gaming devices. . . a card reader for detecting a player tracking card inserted therein”; Figures 1, 5, 19, 20, 21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a player tracking card to Dandurand’s player tracking. One would have been motivated to do this in order to better provide a way to track players. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Dandurand does not explicitly disclose receiving a query. However, Dandurand discloses using databases for recoding, tracking and analyzing player information (page 82, last paragraph, "database") and also discloses use of Management Information Systems (MIS) functions of the enterprise for analysis for targeting (Page 84). MIS is a computer system designed to help managers plan and direct business and organizational operations. (Dictionary.com). Hence, it is obvious that Dandurand can use databases and MIS to perform database queries. One would be motivated to do this to better analyze the databases that Dandurand can access. Alternatively, an automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (MPEP 2144.04.III). Alternatively, applicant teaches that it is already common for data to be collected and searched in "database queries". (Background of the Invention of the Specification, Page 1-2, "The management and analysis of data has long been important to many industries. . .However, relational databases and the current tools used to mine them are unable to take advantage fully of the richness of the data in the typical player tracking system. In many cases, the amount of data to be mined is extremely large resulting in database queries that take an inordinate amount of time when searching for specific attributes." ). Hence, it is obvious that Dandurand can query databases. Alternatively, Applying a known to technique to a known device (method, or product ) ready for improvement to yield predictable results is obvious (MPEP 2143). Alternatively, Acres discloses the invention operating in a casino ([5, 7, 12]) and Acres further discloses databases and

querying ([14, 106]; “[14]... All this information is stored on the database, which can be later analyzed for future targeted direct mailing campaigns.”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the database in Dandurand can be queried. One would have been motivated to do this in order to better provide a way to track and target players. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 31, 38. Dandurand further discloses the method of claim 30, further comprising: comparing a first value of the attributes of the second subset with a second value of the attributes of the second subset to determine at least one difference between the first value and the second value; and dividing the first subset into the second subset and a third subset of individuals based on the comparison, wherein the individuals of the second subset have the attributes of the second subset with the first value and the individuals of the third subset have the attributes of the second subset with the second value (Dandurand page 82, Table 1 identifies a Premium niche with a slot budget >500. Then, Dandurand page 83, Table 2 further segments the premium niche to identify that 56% are female and, conversely, 44% are male. Hence, there is a second subset with a first value of female and a third subset which is the second subset with the second value of male).

Claim 32, 39. Dandurand further discloses the method of claim 30, wherein the attributes of the first subset comprise age, geographical region, gender, income, frequency of play, favorite day to play, favorite time to play, average amount bet, total amount played, game preference, denomination preference, cuisine preference, beverage preference, music preference, or date of birth. Dandurand teaches of similar attributes. (Page 83-84, Table 2).

Claim 33, 40. Dandurand further discloses the method of claim 30, wherein the receiving the query comprises receiving the query by a player tracking database in a gaming environment, and wherein the individuals of the first subset comprise players in the gaming environment (Dandurand discloses a gaming environment, Title, "Market Niche Analysis in the Casino Gaming Industry"; also, Abstract page 73).

Claim 34, 41. Dandurand further discloses the method of claim 33, wherein the player tracking database comprises player tracking data received from a plurality of gaming properties (page 83, Table 2, "gambled downtown (areas gambled)").

Claim 35, 42. Dandurand further discloses the method of claim 34, wherein the individuals of the first subset comprise individuals corresponding to the player tracking data received from the plurality of gaming properties (Dandurand pages 81-84).

Claim 36. Acres further discloses the method of claim 34, wherein the player tracking server is coupled with a player tracking unit via a data collection unit (Fig. 1; [105]).



***Response to Arguments***

Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection above. On 3/10/11, Applicant entered a completely new set of claims. Please see the rejection of these new claims above with Dandurand in view of Acres.

***Conclusion***

aa) Also, Sheppard (US 6,026,397) in view of Acres (20060183529) in view of Kelly (6645068) discloses relevant features. Note the extensive rejection and citations dated 12/16/10.

a) Kelly 6645068 discloses a card reader in a casino and also other relevant features.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to 10066176 whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/23/2011